

1.0 INTRODUCTION

The Global Campaign for Secure Tenure has the potential to make a significant impact on the shelter and living conditions of the world's urban poor. The Campaign will also signal the emergence of a revitalised Habitat in a new, strategic role, acting as an advocacy agency and mobilising the active support of a host of global, regional, national and local partners.

Using the moral authority and global standing of the United Nations, the Campaign will provide profile, support and a voice to hundreds of millions of poor, homeless and inadequately housed people trying to break out of a cycle of poverty. The complex and intractable nature of this problem requires a medium to long term perspective, and the initial duration of the Campaign will not be less than ten years.

This concept paper outlines a proposed approach to the Global Campaign on Secure Tenure, which will be launched in advance of the Global Campaign on Urban Governance. However, it is vital to state from the outset that these two Campaigns will operate not as separate initiatives, but as essential components of the larger Habitat work programme and strategic vision. Both Campaigns will be promoting a vision of an urban future based on inclusion, social and economic development; a future based on human opportunity and on hope.

To improve its chances of sustainability and success, the Campaign will also unambiguously promote the centrality of the role of women. This will be done in the context of the high correlation between the active empowerment and involvement of women, and successful strategies to provide shelter and reduce poverty, and also as part of the United Nations commitment to programmatically promote the empowerment of women.

1.1 Background

The adoption of the Habitat Agenda in Istanbul in June 1996 marked a watershed in the history of the United Nations. Not only was this the most representative and authoritative gathering ever assembled to discuss human settlements and urban development, but it also marked a decisive break with previous global conferences in the manner and the extent to which organisations of civil society were engaged. The Global Plan of Action, through which the Habitat Agenda was to be implemented, promised a new energy and initiative on behalf of the world's poor, particularly the urban poor.

What made the City Summit such a breath of fresh air was its identification on the need for meaningful partnerships with the myriad of organisations and interest groups that are grappling with real developmental issues in their localities, sometimes with the support of their local governments, but all too often in the face of official indifference and

sometimes hostility. Habitat II reinforced the need for such partnerships, made them less threatening, and served to emphasise the importance of the 'local' in finding solutions. As a result, Habitat II signaled the emergence of local authorities as major partners within the UN system.

With Istanbul +5 in 2001 looming large, there is far too little to show for all of the promise of Istanbul.

The context of the Campaign needs to be clearly understood. Shelter conditions for the world's urban poor, and the cycle of urban poverty, are not improving. On the contrary, recent economic crises and the impact of globalisation has sharpened even further disparities in the distribution of wealth and resources. The increasing poverty gap in the world has been well documented, not least by the authoritative annual Human Development reports of UNDP. 1,3bn people do not have access to clean water, and the same number lives on less than \$1 per day. 2,6 bn people do not have access to basic sanitation, whereas 5 million die from diarrhoeal diseases caused by water contamination. (1)

This concentration of poverty, homelessness and slums is increasingly associated with the growth of the world's urban population. Since 1950, the global urban population has jumped from 750 million to more than 2500 million people.(2) Indeed, 80% of the world's population growth in this decade had occurred in urban areas. However, this urban growth is mostly informal and unplanned, often resulting in people settling on unwanted and dangerous locations. As reported by the International Federation of the Red Cross, 96% of all deaths from natural disasters already happen in developing countries. (3)

As we approach the new Millennium, a powerful combination of environmental change, rapid urbanisation, deepening economic inequity and political inaction serves to concentrate most poverty, homelessness and physical insecurity in the developing world. While the issue of security of tenure will have a global resonance, and the Campaign will address all corners of the globe, it is certain that the greatest impact and response will be found in the developing world.

The current rate of urbanisation in the developing world, and the fact that this constitutes the massive urbanisation of poverty, is compounded by weak local government structures, a mismatch between actual revenue and necessary expenditure, weak administrative capacity, inequitable and outdated urban planning techniques and deficient concepts and practices of urban governance.

¹ United Nations Development Programme (UNDP), *Human Development Report, 1999*. (Oxford University Press, 1999)

² *Global Environment Outlook 2000*, UNEP, (Earthscan, London, 1999) pg 11

³ International Federation of Red Cross and Red Crescent Societies, *World Disasters Report 1999*, pg 7

By 2025 the total urban population is projected to double to more than 5000 million people, and 90% of this increase is expected to occur in developing countries⁽⁴⁾. In short, the world is facing an urban crisis of staggering proportions in the next twenty to thirty years - and one which will require a complete reorientation of urban policy by governments and multilateral institutions. In the short period since the City Summit at Istanbul, it has become all too apparent that conditions for the world's poor have not been arrested, but have continued to deteriorate.

Habitat and its partners will be using the Campaign to make clear that it is not urbanisation, in and of itself, that causes these problems, but rather a failure to make better use of the enormous opportunity and potential offered by the urbanisation process. It is poorly-managed urbanisation that leads to the marginalisation of the urban poor, which increases their current cost of living and defers enormous future environmental and social costs for the next generation.

The Global Campaign for Secure Tenure forms part of Habitat's commitment to contribute to the emergence of a new urban paradigm. The extension of secure tenure is but one part of an integrated approach of improving the access of the urban poor not only to improved shelter and access to basic services, but also to informal and formal employment opportunities, as well as direct political representation. This reinforces and underlines the linkage between this Campaign, and the Global Campaign on Urban Governance.

Habitat and its partners will be arguing that, for the emergence of a new paradigm and the creation of a more hopeful future, the issue of political will is absolutely central. Indeed, the challenge of urban poverty, appalling living conditions and bad governance does not arise because of a failure to provide technical and workable solutions - it arises because of narrow political and economic priorities that are not based on addressing human needs in an equitable or sustainable manner.

This enormous concentration of abject poverty raises some difficult policy issues that will need to be addressed within the ambit of the campaign. It must be self-evident that, for this category of the urban poor, access to land and services cannot be governed by ordinary market mechanisms such as an ability to pay. For this category of the urban poor, exceptional policy measures will have to be considered and may, indeed, point to the need for some fundamental rethinking on some of the assumptions and understandings that underpin existing approaches to tenure. This will be one of the policy tasks that will be undertaken within the the evolving framework of the Campaign.

The Global Campaign for Secure Tenure will be taking up these issues as part of a rights-based approach. In the context of competing claims to urban land and access to the city, we may reasonably expect that circumstances will invariably arise in which competing claims will point to a conflict between property rights and human rights. In examining these challenging policy problems and proposing workable solutions, guided by the

⁴ *GEO 2000*, op cit.,

Charter of the United Nations and principles of social justice and equity, the Global Campaign for Secure Tenure will need to be vigorous in asserting the absolute primacy of human rights.

The Global Campaign for Secure Tenure needs to be seen in this complex context - however, to the extent that it is successful, it will lead to an improvement in shelter strategies for the urban poor, will promote and support a far more prominent role for women, and will directly and indirectly contribute to creating a climate for improved urban governance. In most instances, the proliferation of informal settlements and slums arises from a combination of the poverty of the inhabitants, deficient national policy frameworks, and the weak, inefficient and often corrupt systems of urban governance within which they often find themselves.

In more detail, it is necessary to observe that there are two distinct, but related, issues that will need to be addressed. The first is the extension of formality and secure title to already existing urban settlements. The second relates to the need for improved provision and availability of urban land that is well-located and affordable. Informal settlements exist and expand because of the inadequate provision of land, speculative investment patterns, a tendency towards over-regulation, and a regulatory framework of standards, regulations and administrative procedures that is, at best, indifferent and - more likely - hostile to the needs of the urban poor. All of these issues will have to be directly tackled in order to create the conditions for rapid progress, economic investment and growth.

The global agency charged with overseeing the implementation of the Habitat Agenda, the United Nations Centre for Human Settlements (Habitat) - one of only two UN agencies headquartered in the developing world - nearly paid for the success of Habitat II with its own demise. A series of reports highlighted the shortcomings of the Centre, which subsequently underwent a thorough Revitalisation exercise.

The Global Campaign for Secure Tenure, which will be launched in the last quarter of 1999, will signal the beginning of a new approach by Habitat, and a fundamentally different approach to implementing the Habitat Agenda and the Global Plan of Action. With less emphasis on conferences, meetings of experts and the ritual reporting of progress by national bureaucracies, and with more emphasis on partnerships and decentralisation, the Campaign will orient the resources of Habitat and its partners to rigorously pursue an approach that will lead to improvements in shelter for the urban poor, and contribute to the overall sustainability of cities, particularly in the developing world.

In summary, the Campaign is designed to spearhead a shelter strategy that is pragmatic, affordable and implementable. Such a Campaign must, as a point of departure, be based on empowering individuals, households and communities to gain greater control over their own lives.

Again, it is vital that the Campaign creates a climate which promote a new urban paradigm that demonstrates the enormous energy, investment and economic opportunity

that will arise if an inclusive and integrated approach to urban poverty is adopted. Central to the success of this approach will be the strengthening of gender equality to empower women (⁵), particularly as the issue of secure tenure cannot be seen in isolation from unequal household relations.

1.2 Why Secure Tenure?

While the issue of secure tenure is but one of a set of components that contribute to a successful shelter strategy, it has been consciously identified because it has a catalytic effect - it invariably leads into other processes and issues vital to sustainable shelter delivery and upgrading.

The focus of this Campaign is unambiguously aimed at promoting a set of policies and strategies that will directly benefit the urban poor throughout the world, and it is against this goal that the Campaign must be measured. It also provides an excellent vehicle for promoting the role of women to help ensure more successful policies for producing shelter and reducing poverty.

However, an extremely important cautionary observation must be made here - securing tenure for the household does not necessarily secure tenure for women and children. In undertaking the campaign, Habitat and its partners will be arguing that the extension of secure tenure must benefit women and men equally, which will require some fundamental changes to the rights of women. Equally importantly, the right of women to equal inheritance rights will also form a vital part of the Campaign. Simply put, and allowing for no confusion, gender equality is one of the most fundamental principles that underpins the entire Campaign.

Secure tenure can be considered as the first component of the progressive realisation of the right to housing as elaborated in Paragraph 61 of the Habitat Agenda. The granting of secure tenure will not, in and of itself, solve the problem of homelessness, poverty, unsafe living environments and inadequate housing. However, secure tenure is one of the most essential elements of a successful shelter strategy, indeed, it is possible to argue that such a strategy will not succeed without security of tenure: it is a necessary but insufficient condition for a successful shelter strategy which will, in turn, have social and economic benefits.

The existence of widespread conditions of insecure tenure around the world, concentrated on the urban poor and compounding the marginalisation of women, prevents governments meeting their commitment to enable the provision of "Adequate Shelter for All". Shelter policies simply will not work properly without the long-term certainty provided by secure tenure.

In particular, the following consequences arise:

⁵ *These points are elaborated in the UNDP's 1997 Human Development Report, Human Development to Eradicate Poverty*

■ Insecure Tenure:

- Inhibits investment in housing
- Hinders good governance
- Undermines long term planning
- Distorts prices of land and services
- Reinforces poverty and social exclusion
- Impacts most negatively on women and children

It was these and other considerations that led to the adoption of the Habitat Agenda in 1996, in terms of which Governments made a number of commitments. In Chapter III formal Commitments are captured on the two main themes of the Habitat Agenda. In respect of providing Adequate Shelter For All, the commitments made under paragraphs 39 and 40 in their entirety are of particular and direct relevance.

In particular, in paragraph 40 (b), Governments committed themselves to...

Providing legal security of tenure and equal access to land to all people, including women and those living in poverty; and undertaking legislative and administrative reforms to give women full and equal access to economic resources, including the right to inheritance and to ownership of land and other property, credit, natural resources and appropriate technologies;

1.3 What is Secure Tenure?

Security of tenure describes an agreement between an individual or group to land and residential property which is governed and regulated by a legal⁽⁶⁾ and administrative framework. The **security** derives from the fact that the right of access to and use of the land and property is underwritten by a known set of rules, and that this right is justiciable. The **tenure** can be effected in a variety of ways, depending on constitutional and legal frameworks, social norms, cultural values and, to some extent, individual preference.

In summary, a person or household can be said to have secure tenure when they are protected from involuntary removal from their land or residence, except in exceptional circumstances, and then only by means of a known and agreed legal procedure, which must itself be objective, equally applicable, contestable and independent. Such exceptional circumstances might include situations where the very physical safety of life and property is threatened, or where the persons to be evicted have themselves taken occupation of the property by force or intimidation.

In undertaking this Campaign, Habitat will focus primarily on the strength of the **security**, rather than on the precise nature and form in which the tenure is applied. It is too often assumed that security of tenure implies individual freehold ('private ownership'), which is but one of many ways in which security can be effected.

⁶ This legal framework is taken to include both customary and statutory systems.

In the case of informal settlements, or for those labeled as squatters, a wide variety of circumstances arise, some of which may be extremely complex. Different tenure systems can co-exist next to each other, either as the city expands and assimilates rural and agricultural land, or through the juxtaposition of a mix of legal, customary and non-legal relationships. It must be made abundantly clear that this is a Campaign linked to a shelter strategy, and thus the tenure refers to **residential tenure**, and not to disputes over agricultural land, nor to a country's National Land Question.

All over the world, informal settlements often attain a **de facto** status, which may be acquired through the length of time for which a settlement has been tolerated or ignored, or through the extension of administrative recognition through the provision of municipal and urban services, and the associated collection of revenue. However, the extension of **de jure** recognition of such cases through regularisation is certainly not automatic, and would differ from country to country, depending on constitutional and legal frameworks.

De facto recognition may also be realised in a manner which can be highly exploitative, wherein the security of occupation is underwritten by the discretionary authority of the landlord and, in many cases, the warlord. In such cases, it may be argued that in the absence of formal authority, the tenure is **enforceable** but is not **justiciable**, and would therefore not be defined as secure tenure.

1.4 Types of residential tenure

The following is a characterisation of the major categories of tenure;

1.4.1 Rent

Rent is a form of leasehold, in terms of which access to a property and the use thereof is governed by a legal agreement of fixed duration. Agreements are normally governed by law. Rental agreements operate either in the private domain, as contract between private citizens and bodies corporate or companies, or in the public domain, wherein the rental is provided by a public body, such as a local authority, as part of a social housing policy. It is common, in formal rental agreements, for the lessor to assume some responsibility for the maintenance of the property. It is the form of secure tenure least likely to lead to capital investment by the lessee (and, some may argue, by the lessor).

However, for low-income families, rental - which is the most used form of tenure - is seldom formal or regulated in many countries. Agreements are arrived at informally, with little or no recourse to legal advice, and the agreements are enforced in a non-legal manner. Indeed, a major part of the campaign will have to address the urban-poor segment of the rental sector, and the tension that exists between secure tenure for tenants and sub-tenants, and the property rights of the owners. Both in percentage and in policy terms, addressing the informal rental sector will be one of the most significant challenges for the campaign, and one which will have the most impact for the urban poor.

1.4.2 Leasehold

Leasehold conveys the right of beneficial occupation to land or property, but such occupation is circumscribed both by a finite period of time, as well as the specific conditions of the lease. The lessor retains ultimate control over the property, through the stipulated time limit and conditions. Upon expiry of the lease, the lessor may automatically reassume occupation, reallocate the lease to another person or body, or extend the lease of the occupant. For the period of the lease, which may be very long (*eg*, 99 yrs), and subject to compliance with the terms of the lease, the occupant does enjoy secure tenure.

1.4.3 Freehold

Freehold is the form of tenure which confers on the title-holder the maximum control and discretion over the land, normally only circumscribed by law and/or planning and zoning restrictions. It provides for the land (and improvements) to be used as collateral and mortgaged, it may be transferred or bequeathed in the discretion of the title-holder, and is free from any time restrictions - it is title in perpetuity. It is the form of tenure most associated with investment and, indeed, speculation. Ideologically, it is most favoured by the proponents of the free-market and individualist conceptions of society.

1.4.4 Conditional Freehold - 'rent-to-buy'

A hybrid of leasehold and freehold, this is effectively a lease that may be converted to freehold upon the fulfillment of stipulated conditions, which ordinarily include the payment of the lease (or 'rent') for a period of time. Another form of this approach is found in the term 'contract-for-deed'. However, it is all too often the case that the equity does not accrue in terms of the contract, and that even one or two months missed payments - not unusual for this segment of the market - can lead to all previous payments being forfeited, and the renter being forced to start the repayment process from the beginning again.

1.4.5 Collective forms of tenure

There are a variety of methods of enjoying full security of tenure within a collective framework. The principle relates to the sharing of access to a property on the basis of an agreement, which specifies the terms and conditions of such access. This may take the form of the creation of a body corporate, such as a condominium or a private company, or a housing association or co-operative. What all of these forms of tenure share is the need for a relatively high level of common interest, and the skills and capacity to administer the arrangement, which generally requires quite a high level of organisational ability and commitment.

1.4.5.1 Communal tenure

One of the defining features of communal tenure is that it is common for the community to have a long and common history and cultural identity, such as a tribe or clan. Access to

such land may be governed by custom, and include the right to use and to occupy, but not to transfer or alienate, which decision would be determined by the community as a whole. Under Islamic tenurial systems, *musha* refers to a collective land holding, whereas *Waqf* is a category of land held in perpetuity by a religious institution, and is effectively removed from market mechanisms.

1.5 Summary

While there are other forms of tenure, the above categories are the most common forms of granting security of occupation. The Campaign will not be promoting any one type of tenure in preference to others, but will rather focus on the essential conditions that have to be met to ensure security of tenure, and on highlighting the benefits that accrue to the individual, the household and to society from the granting of such security. A major element within the Campaign will be to promote the right of women to have full and equal access to tenurial security.

The above forms of secure tenure - which are seen as formal and justiciable - can only be effective when they operate within an enabling legal framework, and are supported by administrative capacity that maintains an effective land information system and title register which can properly record and update rights to property and land. While it is not being proposed that the granting of secure tenure must await the reform of a justice system, for example, it must be stated that a successful Campaign will invariably highlight policy and administrative shortcomings in other fields.

To reiterate, the purpose of the Campaign is to identify, highlight and advocate those elements that are critical to the success of a shelter strategy and which will directly benefit both the homeless and the inadequately housed, as well as society generally. It must be re-emphasised that the Campaign, in and of itself, will not provide ready-made solutions, but rather creates the environment for the right issues to be raised. The Campaign will be successful to the extent that Habitat and its partners are able to deploy - in its wake - a targeted work plan that provides appropriate assistance in the essential elements of a successful shelter strategy.

THE ELEMENTS OF THE CAMPAIGN

As envisaged in Habitat's Strategic Vision, the Global Campaign should be seen as the strategic entry point for the effective implementation of the Global Plan of Action of the Habitat Agenda, and should be seen as supporting Habitat's work programme.⁽⁷⁾ The Campaign for Secure Tenure must therefore be measured not by its success as a Campaign, but in improvements in the provision of Adequate Shelter for All, particularly for the urban poor. Habitat will focus explicitly on the impact of its policies on vulnerable groups, especially the role of women in human settlements programmes, and the Campaign will highlight and advocate a leading role for women in the elaboration of sustainable shelter strategies.

2.0 PROMOTING HOUSING RIGHTS

2.1 The International Dimension

The right to adequate housing is widely recognised as a human right in international law, and a number of resolutions on the issue have been adopted by UN bodies. Arguing for an enabling strategy, the Habitat Agenda states clearly that “*..the right to adequate housing has been recognized as an important component of the right to an adequate standard of living*”⁽⁸⁾. However, it is only in the past two decades that serious attention has begun to be given to the meaning and significance of that right.

The right to housing is part of the economic, social and cultural rights, which have not featured as prominently as political and civil rights in the UN discourse. The approach that Habitat will promote in this Campaign will be to focus on the different components that constitute the body of housing rights. The launching of the Campaign for Secure Tenure should thus be seen as the first conscious step towards an ***International Convention on Housing Rights***.

In building the case and political environment for the eventual adoption of a Convention, Habitat will focus on the essential elements of the right to housing, which has a number of components. The most prominent amongst these, and the one which the Campaign will prioritise, is the right not to be evicted without due legal process. Again, it is vital that the Campaign be seen as a vehicle for the United Nations to use its global position to provide support and cover for people facing daily abuse and threats to their human rights.

⁷ Report of the Executive Director: A Strategic Vision for Habitat, HS/C/17/2/Add.2

⁸ Habitat Agenda, Paragraph 61

2.2 Opposing Forced Evictions

The United Nations human rights programme has devoted increasing attention to the negative practice of forced evictions in recent years, indicating the seriousness of global concern about the often violent removal of people from their homes. As the Commission on Human Rights has made explicit, a forced eviction “...constitutes a gross violation of human rights, in particular the right to adequate housing”.⁽⁹⁾ According to the Centre on Housing Rights and Evictions (COHRE), some 14 million people are currently threatened by planned forced evictions.

The Commitment of Governments against forced evictions is explicitly stated in the Habitat Agenda⁽¹⁰⁾. Whereas forced evictions are mostly used to try and remove the poor from urban areas, and often because land values may indicate a more lucrative use of the land for selected private interests, the point that is often overlooked is that if the poor were to be able to choose or be offered a better alternative - without threats or coercion - then they would surely take it. Indeed, it is the perceived or real threat of forced eviction that does most to trap an area in slum conditions and a cycle of poverty, as any initiative and investment is inhibited by the threat.

It is difficult to overstate the point that the effect of forced evictions is to criminalise the attempts by the poor in society to satisfy one of the most basic and essential needs for human life. It is at this point that the potential conflict between property rights and human rights becomes most stark and tightly drawn.

The policy approach that will be advocated by Habitat, then, is to examine the route of choice and alternatives, rather than forced eviction.

Most forced evictions around the world have a number of general characteristics:

- Evictions tend to be most prevalent in countries or parts of cities with the worst housing conditions;
- It is always the poor that are evicted - wealthier classes virtually never face forced eviction, and never mass eviction;
- Forced evictions are often violent, and include a variety of human rights abuses beyond the violation of the right to adequate housing;
- Evictees tend to end up worse off than before the eviction;
- Evictions invariably compound the problem they were ostensibly aimed at ‘solving’; and
- Forced evictions impact most negatively on women and children.

⁹ Commission on Human Rights Resolution 1993/77. Also, see Agenda 21 (Paras 7.6 and 7.9(b))

¹⁰ Habitat Agenda. Chapter III: Commitments. Section A: Adequate Shelter for All, Para 40 (n)

Forced evictions are sometimes undertaken under the guise of development, in which it is argued that the eviction is a necessary evil to effect a greater social good. However, this is mostly at the expense of the urban poor and, in those societies where there are insufficient checks and balances on the power of officials, the need to even present and defend a case for development can often be circumvented through the involvement of corrupt public officials.

Forced evictions, except in the most exceptional circumstances, should be seen as an expression of policy failure - the failure of a society that is either unwilling or unable to meet the basic housing needs of the poorest and most vulnerable. It further reflects that society's failure to adequately plan for the development of urban centers for the benefit of all citizens.

Notwithstanding the developmental arguments, forced evictions, however, have the effect of destroying social and survival networks, impacting negatively or destroying the assets and life savings of those evicted, invariably increasing the cost of living for those evicted. Forced evictions also have a very direct and negative impact on children, whose social patterns of health, education, recreation as well as shelter may be destroyed.

For these reasons, the issue of forced evictions will be the most visible and vibrant activity for the first period of the Campaign. It is an issue that the United Nations is uniquely placed to champion, and one which will have an immediate resonance in the different regions around the world.

2.3 Promoting Legislative Reform

The legal recognition and protection of secure tenure is one of the most significant steps that a national government can take towards giving expression to the right to housing, and to providing legal protection to the marginalised sections of society. However, the case for official recognition of secure tenure goes well beyond the welcome formal acknowledgement of human rights, but is a necessary step in the creation of a shelter strategy which, if successful, can itself convey enormous social and economic benefits. This is essentially the case that Habitat needs to make through the Campaign and the Work Plan.

The Campaign, while vigorously opposing forced evictions, will simultaneously promote the case for security of tenure to be enshrined in national laws and, where appropriate, in national Constitutions. In this regard, Habitat will offer assistance with the promotion of guidelines for such statutory recognition, including assisting with the drafting of model legislation and the promotion of examples of good policy and best practice. In all cases, access to secure tenure must be based upon principles of gender equity and the explicit empowerment of women.

In summary, it is most important that Habitat and its partners are seen to be promoting viable policy alternatives, and not just negatively campaigning against forced evictions.

The promotion of innovative legal and policy options must form an integral part of the Campaign and, more importantly, Habitat must be well placed to offer substantive technical and policy support through its operational activities.

2.4 Promoting a sustainable shelter policy

The overriding case that Habitat will need to make to countries and cities around the world is the very real and tangible benefits that will accrue all round if a positive approach is adopted in respect of the urban poor. In close synergy with the Global Campaign on Urban Governance, Habitat will be arguing that in addressing the needs of the urban poor, and in creating safer and sustainable cities, a policy of inclusion is a basic point of departure.

The conferring of secure tenure, and its legal recognition and protection, benefits not only those for whom the tenure is guaranteed, but has a whole range of positive social and even economic benefits. Internationally, it is the experience that the conferring of secure tenure will release new avenues for investment and improvement by the residents themselves. Indeed, one of the very real advantages of tenure is that it can be conferred at relatively minimal cost to the fiscus, yet releases other, non-state, productive activity.

The approach to shelter delivery that will guide Habitat is based on the assumption that the most valuable resource to be mobilised is the energy and ingenuity of the homeless themselves. Decades of grandiose housing schemes and master plans have yet to come close to the efficacy, energy and urgency displayed by the poor themselves. It is absolutely clear that most governments do not have the ability or the resources to ensure the provision of housing for all, nor is it realistic to expect that the formal private sector will step in and deliver. The Habitat Agenda is clear in advocating an enabling strategy in the provision of shelter- the support provided by Habitat will be explicitly based on this approach.

Adopting such an approach to the provision of shelter with, and for, the urban poor requires Habitat to tailor its support accordingly. More emphasis is required on those essential elements of shelter that cannot be easily be provided by the individual or the household, but which require support of public or private agencies. The real test of what is required for a successful shelter strategy in a given location will be the requirements and needs of the local community and other affected stakeholders, and the assistance offered by Habitat and its partners will need to be sufficiently flexible to provide the appropriate support.

Taking secure tenure as the foundation, then, it is necessary to identify those essential elements that will most contribute to a shelter strategy that is practical, affordable and implementable.

2.4.1 Land and Tenure

Moving from the granting of secure tenure, a number of policy objectives arise. Amongst the most important are steps that will need to be taken to ensure the efficient management of an open land market - transparency is the enemy of corruption and exploitation. To achieve such a land market, a number of policy areas will need to be addressed. These include the setting of appropriate planning standards, implemented through simplified administrative procedures and supported by an administrative capacity able to maintain an effective land information system.

Specific technical issues to be addressed in this regard will include cadastral systems, the recording, registering and updating of property titles, and a capacity to ensure that this happens within acceptable time frames. There are many examples around the world of administrative inefficiency and bureaucratic inertia undermining potentially sound policy frameworks.

Additional policy support that Habitat will provide include an examination of various tenurial options, including an assessment of those most appropriate for protecting the interests of the urban poor. Interim or incremental approaches to title - such as a permission to occupy, or a right to use - will also have to be considered in exceptional circumstances. Lastly, arising out of decades of neglect and inefficient monitoring, there is often a need for the design of conflict-resolution mechanisms.

2.4.2 Urban Services and Infrastructure

One of the features associated with the informal or illegal occupation of land is the sporadic and *ad hoc* access to essential services and the urban infrastructure. As research associated with the campaign will demonstrate, it is generally the case that it is the very poorest members of cities that pay the highest per capita price for services such as water and energy, reinforcing the cycle of poverty. Clearly, a strategy that aims to deal with housing rights, shelter provision and urban poverty reduction must elaborate a clear approach to the provision of essential services.

Amongst the basic services, Habitat will promote and prioritise policy options dealing with the provision of clean water, and the treatment of waste water, as the single most important service. No other service has quite such an immediate and dramatic impact on the quality of life as the provision (or non-provision) of clean, potable water. Other essential services that will also be addressed will include energy and refuse collection. Habitat will initiate major effort and research into examining the pricing policy for all services, including water, to ensure that accessibility and affordability are both addressed.

Research on access to urban basic services will further explore demonstrations of practical linkages between the provision of water, sanitation and refuse disposal services and micro-enterprises developed for the purpose. Habitat's experience in such activities has demonstrated that credit schemes and other micro-finance tools similar to those developed for housing, will impact on the quality of life for the urban poor by improving the living environment and providing sustainable livelihoods. Good examples would be small-scale waste-recycling industries, water kiosks and on-site sanitation maintenance.

A higher priority will also be given to the role and importance of transport policy. Much of the displacement of the urban poor arises from private and public urban investment associated with major transport plans that have little direct relevance or benefit to the urban poor, and which often result in their dislocation to the urban periphery, as land is required and as prices rise, often through speculation.

Additionally the type, form, quantity and quality of transport directly effects employment patterns for the urban poor. Research on the linkages between transport services and sustainable livelihood will be undertaken to explore their complementary role for enhancing, for example, solid waste and recyclables collection schemes.

2.4.3 Housing Finance and Micro-Credit

Amongst the most important tools in the fight against poverty is the extension of credit to the urban poor. There is still a widely held belief that credit does not operate at this level of the market. Just as urban services are available at exploitative premium prices, so is credit informally available at inflated rates, reinforcing the trend that the poor pay more for less.

Access to secure tenure can make a positive contribution in improving access to credit. At this level of the market, different approaches to housing finance are required, as long term mortgage loans are inappropriate to the need. Access to small amounts of credit, with short-term maturities, is pivotal in supporting a sustainable and vibrant shelter strategy. Some of the most successful poverty reduction and housing credit models have been based on the poor organising themselves into savings collectives and accessing micro-loans from a rotating fund.

Central to the success of housing finance, and micro-credit, is the role of women. Examples all over the world have demonstrated a clear link between successful credit policies and the positive role of women - the most innovative bank that pioneered lending to the poorest of the poor lends to women as a matter of policy. Credit provides a very tangible mechanism through which Habitat will be promoting its main theme of gender equity and empowering the role of women in the provision of shelter.

To offer the best possible support to member states and to broaden the impact of the Campaign Habitat will actively engage with other partners within the United Nations system. The recent launching of the Cities Alliance, with the World Bank, provides an excellent linkage to promote the benefits of secure tenure, especially with respect to slum upgrading programmes. As another example, there are very obvious and quantifiable health costs and consequences associated with the unsatisfactory and unhygienic living conditions of hundreds of millions of urban dwellers. A joint programme with UN partners such as the United Nations Childrens Fund (UNICEF), World Health Organisation (WHO), through a partnership with their appropriate programmes, would significantly increase the impact and import of the Campaign.

2.4.4 Summary

In order to most effectively highlight the issue of secure tenure, and in order to achieve the maximum impact, Habitat will use the Campaign to put a global spotlight on the negative and regressive practice of forced evictions. Simultaneously, and building on existing practices and examples around the world, Habitat will also use the campaign to put a global spotlight on the positive outcomes of secure tenure, including economic growth, the role of women and urban poverty reduction. At all times during the Campaign, Habitat must ensure that it is always in a position to present policy alternatives, and to back these up with a sound and comprehensive range of operational activities and assistance.

3.0 OPERATIONALISING THE CAMPAIGN

Before launching, it is necessary to define from the outset what constitute the Global aspects of the Campaign. The Campaign cannot be designed 'globally' and then merely implemented in different regions and countries of the world. On the other hand, a variety of shelter activities undertaken in different regions of the world may not meet the requirement of universality for such a Campaign.

There are elements and messages of the Campaign that, by definition, have to assume the status of universal standards or norms - they are, and must be, global. On the other hand, given the complexities associated with security of tenure, some of which have a cultural, religious or regional specificity, the Campaign must be designed to allow for and to encourage such expressions of regional difference. In short, the Campaign must be designed in such a manner as to reinforce necessary global norms, while allowing for the promotion of regional differences that are in conformity with such global standards.

The very concept of secure tenure, for example, will itself have to be defined and benchmarked so that it is measurable, and forms of tenure that are not secure may thus be identified. Such a definition must necessarily be seen as a **universal** norm, and **may not** be the subject of regional or national reinterpretation or negotiation. Such a standard can only be re-examined globally, and only through the mechanisms of the United Nations.

Conversely, if regions and countries choose different methods of implementing such a universal norm, but satisfy the basic universal requirements and principles as specified, then this cannot be challenged at the global level. As the most obvious point of departure, the Campaign should begin identifying the existing rights-based Conventions and instruments that have relevance to the issue of Secure tenure, as these already constitute global norms.

In managerial terms, this would imply that certain aspects of the Campaign need to be addressed from a global perspective, whereas other aspects of the Campaign should be managed on a decentralised basis. This document is written on the subsidiarity principle that **decentralisation** will be chosen wherever and whenever it is a viable and feasible option, and that nothing will be retained at the global level unless it is necessary to monitor and maintain a global norm or universal standard.

From the outset, it should be clear that there will be no one single blueprint for running such a Campaign, especially since this is not within the experience of Habitat. It is equally clear that it will take a significant period of time to completely anchor the Campaign, indeed a period of some 18 months to two years is initially envisaged. The first components of the Campaign will be launched during the last quarter of 1999, and will then become a major activity within the 2000-2001 work programme.

This document should be seen as the start of a process through which Habitat will actively reach out and engage with its partners, and seek their expertise and inputs in establishing these global norms. Not only will this be an appropriate mechanism to

popularise the Campaign, but it will also lead to the establishment of a consensus on some of the more problematic definitions and norms that will have to be established at the global level. The target for the Campaign would to have these global definitions and norms endorsed at Istanbul+5 in 2001.

In the absence of such a blueprint, the Campaign will be launched on the basis of a combination of a set of principles, and under the overall direction of a hands-on, interactive and strategic management team, located partly in Nairobi, but incorporating representatives of the global components managed elsewhere, as well as representatives from the Campaign regions.

The actual launch of the Campaign will involve a series of events that will happen over time and include a combination of global, thematic elements (such as the monitoring of forced evictions) as well as regional aspects, such as the launch of the Campaign in Latin America and the Caribbean, or in Europe or South East Asia. As other thematic of regional components become prepared, so they would be launched and added to the body of the Campaign. The Campaign will thus be built incrementally, and is likely to proceed at different paces and with differing intensities and strategies in the various regions of the world.

3.1 Guidelines for the management of the Campaign:

- The Campaign should be launched with the fullest participation of partner agencies within the UN system and should actively promote linkages and co-ordination within the UN system;
- Wherever possible, the management of the Campaign should be decentralised;
- Such decentralisation of UNCHS responsibility must always be matched by the decentralisation of the requisite resources;
- The Campaign should be operationalised on the basis of agreements with partners at all levels;
- The Campaign should seek to combine the operational and normative activities of UNCHS; and
- The Campaign should promote a limited number of messages, simple and uncomplicated in style.

3.2 Localising the Campaign

However, to really activate the Campaign, and link it directly with the daily living realities of the urban poor and the city managers, will require the introduction of some novel mechanisms. Habitat would issue a base set of global guidelines for a shelter

strategy that is affordable, pragmatic and implementable. These guidelines would include the global norms arising out of the Campaign, such as the definition of forced evictions.

This would then form the basis of a city consultation (cf negotiation) involving all relevant stakeholders, in which each party would make commitments as to their respective rights and responsibilities. A mechanism that should be developed may, for the purposes of this document, be called a '*City Protocol*'.

This could include, for example, a commitment by the city managers / public prosecutor to suspend all pending forced evictions and commit to undertake a programme of regularisation and land identification, whereas mass-based organisations could commit to suspending land invasions etc. The *City Protocol* is a product and not a process, and it should be seen as a mechanism to achieve a social contract at local or national level.

What Habitat may then propose is the brokering of a city shelter development strategy, to which assistance and support could be arranged through Habitat. For its part Habitat would undertake to publicise such *City Protocols*, which would both be a way of popularising the issues, measuring progress and, indeed, a very dynamic method for localising the implementation of the Habitat Agenda. It would also provide a useful mechanisms for highlighting areas of progress and, conversely, where little was happening or issues were being blocked.

4.0 CONCLUSION

The Global Campaign for Secure Tenure will, indeed, signal a new approach to the provision of affordable shelter by the United Nations Centre for Human Settlements (Habitat) and its partners. The Campaign, and the whole strategy, will take some time to properly implement, after an appropriate period of engagement with partners in different parts of the world.

The Campaign aims to put women, and the poor, at the centre of a long-term, sustainable shelter strategy. There is no magic in this, but it will require different behaviour and new styles of operation, not least by Habitat and its United Nations partners. Instead of trying to anticipate these changes, and making grand promises that have yet to be met, it may be more appropriate to start the process with good faith and sound intent, and move forward with interested partners.

This Campaign is designed to take forward the promise and commitments that were made at Habitat II, to reinvigorate the Global Plan of Action, and provide practical mechanisms in assisting communities, city governments and the member states of the United Nations. The real challenge is to turn 'Adequate Shelter for All' from a rallying cry, into results: results that change the daily living conditions of the world's poor.